

EXHIBIT 6

From: Peterson, Ashley P. <APeterson@mcguirewoods.com>
Sent: Friday, May 8, 2020 4:02 PM
To: Lacy, Michael E.; Cooper, Massie P.; McFarland, Robert W.; Justus, J. Brent; Noonan, Jeanne E.; Hatch, Benjamin L.; Dougherty, V. Kathleen; Gollogly, Krystal Lynne; Wingfield, Alan D.; Lynch, John C.; Knudsen, Kathleen M.; Monica McCarroll; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter; Armond Joyner; Stone, Jana K.
Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies
Attachments: 2020.05.08 - CSXT Challenge to NS Priv Docs.XLSX

EXTERNAL SENDER

Michael,

CSXT has reviewed the redacted and fully privileged documents cited in your April 29 email, and has confirmed that it appropriately withheld or redacted as privileged the majority of those documents. CSXT will, however, reproduce some of the documents identified by NS, either with more limited redactions or as not privileged. CSXT is working to finalize and process this production, and we anticipate providing it to you early next week.

If NS continues to dispute CSXT's privilege determinations, the next step in the ordinary course would be for NS to move to compel. Motions practice would provide the Court with the context necessary to adequately assess any privileged documents that may be submitted for in camera review.

Relatedly, we have likewise reviewed the documents NS redacted or withheld for privilege. We note that a number of NS's redactions are inappropriate. For example, NSR_00063028 includes a redacted email from Chris Luebbers to Donna Coleman of NPBL, a third-party who necessarily destroys any privilege protection. We ask that NS promptly reproduce this document without redactions. We also ask NSR to review the redacted documents listed on Tab 1 of the attached spreadsheet, and either produce these documents without redactions or, pursuant to the parties' agreed ESI Order, provide a privilege log detailing the basis for the redactions.

In addition, CSXT has identified a number of emails and attachments that appear to have been improperly withheld as protected by the attorney-client privilege. These documents, listed in Tab 2 of the attached spreadsheet, do not include an attorney on the email and, based on the subject line, involve business matters and not the giving or receiving of legal advice. CSXT therefore requests that NS produce these documents.

If it would be helpful to meet and confer on these issues, we can be available for a call next week.

Best regards,
Ashley

Ashley P. Peterson
McGuireWoods LLP
T: +1 804 775 1190 | M: +1 804 201 6953

From: Peterson, Ashley P.
Sent: Thursday, May 7, 2020 10:35 PM

To: 'Lacy, Michael E.' <Michael.Lacy@troutman.com>; Cooper, Massie P. <Massie.Cooper@troutman.com>; McFarland, Robert W. <rmcfarland@mguirewoods.com>; Justus, J. Brent <bjustus@mguirewoods.com>; Noonan, Jeanne E. <JNoonan@mguirewoods.com>; Hatch, Benjamin L. <BHatch@mguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; Monica McCarroll <MMcCarroll@redgravellp.com>; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyer@cwm-law.com>; Stone, Jana K. <Jana.Stone@troutman.com>

Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

Michael—we will respond tomorrow.

Thanks,
Ashley

Ashley P. Peterson

McGuireWoods LLP

T: +1 804 775 1190 | M: +1 804 201 6953

From: Lacy, Michael E. <Michael.Lacy@troutman.com>

Sent: Thursday, May 7, 2020 6:02 PM

To: Peterson, Ashley P. <APeterson@mguirewoods.com>; Cooper, Massie P. <Massie.Cooper@troutman.com>; McFarland, Robert W. <rmcfarland@mguirewoods.com>; Justus, J. Brent <bjustus@mguirewoods.com>; Noonan, Jeanne E. <jnoonan@mguirewoods.com>; Hatch, Benjamin L. <BHatch@mguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; Monica McCarroll <MMcCarroll@redgravellp.com>; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyer@cwm-law.com>; Stone, Jana K. <Jana.Stone@troutman.com>

Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

EXTERNAL EMAIL; use caution with links and attachments

Ashley—

I am circling back on the exchange below. Will CSXT be providing a substantive response today/tomorrow?

Thanks.

Michael E. Lacy
troutman **sanders**

Direct: 804.697.1326

michael.lacy@troutman.com

From: Peterson, Ashley P. <APeterson@mguirewoods.com>

Sent: Thursday, April 30, 2020 7:28 PM

To: Lacy, Michael E. <Michael.Lacy@troutman.com>; Cooper, Massie P. <Massie.Cooper@troutman.com>; McFarland, Robert W. <rmcfarland@mguirewoods.com>; Justus, J. Brent <bjustus@mguirewoods.com>; Noonan, Jeanne E.

<jnoonan@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; Monica McCarroll <MMcCarroll@redgravellp.com>; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyer@cwm-law.com>; Stone, Jana K. <Jana.Stone@troutman.com>

Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

EXTERNAL SENDER

Michael,

Thank you for your email—I hope you and yours are staying safe and healthy as well.

CSXT will review the documents identified in your April 29 email to confirm its privilege designations. Because nearly half of those documents have never before been raised by NS, however, we will not be in a position to respond substantively to your request by tomorrow at 5pm. We will follow up promptly next week once we have had sufficient time to review the documents and your proposal with our client.

Best regards,
Ashley

Ashley P. Peterson

McGuireWoods LLP

T: +1 804 775 1190 | M: +1 804 201 6953

From: Lacy, Michael E. <Michael.Lacy@troutman.com>

Sent: Wednesday, April 29, 2020 10:38 AM

To: Peterson, Ashley P. <APeterson@mcguirewoods.com>; Cooper, Massie P. <Massie.Cooper@troutman.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; Monica McCarroll <MMcCarroll@redgravellp.com>; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyer@cwm-law.com>; Stone, Jana K. <Jana.Stone@troutman.com>

Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

EXTERNAL EMAIL; use caution with links and attachments

Ashley, et al.—

I hope everyone is safe and healthy during this crazy time. I am following up CSXT's March 23 supplemental production and the updated privilege log it produced on the same day. We have continued to review the emails (a) dated when Mr. Armbrust was a NPBL board member; (b) Mr. Armbrust was the only attorney involved, and (c) the subject line and/or unredacted portions of the email indicate that it relates to NPBL business. We excluded from our review the handful of emails that were marked "privileged" or "confidential", giving CSXT the benefit of the doubt that those emails are privileged.

Based on our review, the remaining 229 redacted/withheld emails meeting this criteria do not appear to meet the requirements of a privileged communication, including because they are not for the purpose of giving or receiving legal advice, and thus should not be redacted/withheld on privilege grounds. We have attached for

your reference two spreadsheets (one of redacted emails, the other of withheld emails) identifying these 229 emails.

Many of these emails were previously identified in our March 10 letter to you, and all meet the criteria initially set out in that letter. Per Brent's March 20 letter, we understand that CSXT contends that the emails identified in our March 10 letter that were not included in its supplemental production are appropriately redacted/withheld based on privilege. Therefore, we are proposing that the parties agree to submit the 229 emails to the Court for an in camera review.

In addition to the emails identified on the attached spreadsheets, we believe that the redactions in the attached emails should be removed. Based on the unredacted portion of these emails, the emails relate to business matters and do not include privileged communications. To the extent that CSXT is unwilling to remove the redactions, we propose that these emails be submitted to the Court for an in camera review too.

We would appreciate a response by 5 pm Friday, May 1. If we do not hear from you by then, we will presume that CSXT is unwilling to produce these emails without redaction or to submit them to the Court for an in camera review.

Thank you.

Michael E. Lacy
troutman sanders

Direct: 804.697.1326
michael.lacy@troutman.com

From: Peterson, Ashley P. <APeterson@mcguirewoods.com>
Sent: Monday, March 23, 2020 2:29 PM
To: Cooper, Massie P. <Massie.Cooper@troutman.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; Monica McCarroll <MMcCarroll@redgravellp.com>; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>; Stone, Jana K. <Jana.Stone@troutman.com>
Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

The password to access the production and log from my email below is:

L5fPVp9rCTt2V

Best,
Ashley

Ashley P. Peterson
McGuireWoods LLP
T: +1 804 775 1190 | M: +1 804 201 6953

From: Peterson, Ashley P.

Sent: Monday, March 23, 2020 2:25 PM

To: 'Cooper, Massie P.' <Massie.Cooper@troutman.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>; 'jana.stone@troutman.com' <jana.stone@troutman.com>

Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

All,

The production described in CSXT's March 20 letter can be downloaded at the link below, and an updated privilege log is attached. The password to access the production and log will be sent separately.

[link omitted]

Please let me know if you run into any issues with the files. Once you've had a chance to review, let us know when you would like to meet and confer.

Best regards,
Ashley

Ashley P. Peterson

McGuireWoods LLP

T: +1 804 775 1190 | M: +1 804 201 6953

From: Cooper, Massie P. <Massie.Cooper@troutman.com>

Sent: Monday, March 23, 2020 9:13 AM

To: Justus, J. Brent <bjustus@mcguirewoods.com>; Peterson, Ashley P. <APeterson@mcguirewoods.com>; Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>; 'jana.stone@troutman.com' <jana.stone@troutman.com>

Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

EXTERNAL EMAIL; use caution with links and attachments

Brent,

We are in agreement to postpone the meet and confer. We look forward to hearing a specific time for production this afternoon or tomorrow morning.

Massie

Massie P. Cooper

troutman sanders

Direct: 804.697.1392

massie.cooper@troutman.com

From: Justus, J. Brent <bjustus@mcguirewoods.com>

Sent: Monday, March 23, 2020 9:06 AM

To: Peterson, Ashley P. <APeterson@mcguirewoods.com>; Cooper, Massie P. <Massie.Cooper@troutman.com>; Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>

Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

EXTERNAL SENDER

All,

As noted in our Friday letter, we hope to produce by early this week some of the documents that were identified by NS either with more limited redactions or as not privileged, along with a privilege log for the redacted documents identified by NS. We do not, however, anticipate producing those materials before our scheduled meet-and-confer today at noon.

In light of this, I propose postponing today's meet-and-confer until after we have produced these documents and the privilege log. We hope to provide a more precise estimate of when you can expect these materials either by the end of the day today or early tomorrow, at which point we can reschedule the meet-and-confer.

Best regards,

Brent

From: Peterson, Ashley P. <APeterson@mcguirewoods.com>

Sent: Friday, March 20, 2020 4:01 PM

To: Cooper, Massie P. <Massie.Cooper@troutman.com>; Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, V. Kathleen <vkdougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>

Subject: RE: CSXT, et al v. NS, et al - Discovery Deficiencies

Counsel,

Please see attached.

Best regards,
Ashley

Ashley P. Peterson

McGuireWoods LLP

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From: Cooper, Massie P. <Massie.Cooper@troutman.com>

Sent: Tuesday, March 10, 2020 8:11 PM

To: Noonan, Jeanne E. <jnoonan@mcmuirewoods.com>; Peterson, Ashley P. <APeterson@mcmuirewoods.com>; Hatch, Benjamin L. <BHatch@mcmuirewoods.com>; Dougherty, Vera Kathleen <vkdougherty@mcmuirewoods.com>; Justus, J. Brent <bjustus@mcmuirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcmuirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com; cjbeloate@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>

Subject: CSXT, et al v. NS, et al - Discovery Deficiencies

EXTERNAL EMAIL; use caution with links and attachments

Please see the attached correspondence.

Massie P. Cooper

Direct: 804.697.1392

massie.cooper@troutman.com

troutman sanders

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Richmond, VA 23219

troutman.com

CFS Law Monitor

A HIGHER COMMITMENT TO CLIENT CARE

Effective April 1, 2020, Troutman Sanders will combine with Pepper Hamilton to become Troutman Pepper Hamilton Sanders LLP (Troutman Pepper). My email address and phone number will remain unchanged following the combination. The new Troutman Pepper will offer expanded capabilities and practice strengths while continuing to deliver powerful solutions to clients' legal and business issues with a hallmark focus on client care.

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